

OCT 05 2005

FAX TRANSMISSION**DATE:** October 5, 2005**PTO IDENTIFIER:** Application Number 10/643,457-Conf. #4123
Patent Number**Inventor:** Brian L. Halla et al.**MESSAGE TO:** US Patent and Trademark Office**FAX NUMBER:** (571) 273-8300**FROM:** DARBY & DARBY P.C.

John W. Branch

PHONE: (206) 262-8900**Attorney Dkt. #:** 08211/0200237-US0/P05501**PAGES (Including Cover Sheet):** 5**CONTENTS:** Amendment Transmittal (1 page)
Response to Restriction Requirement (2 pages)
Certificate of Transmission (1 page)

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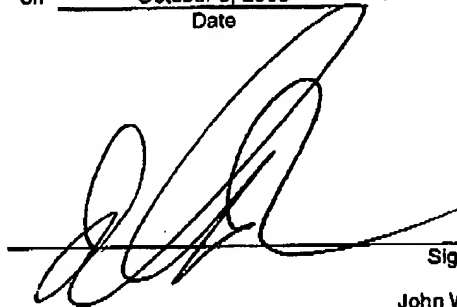
Application No. (if known): 10/643,457

Attorney Docket No.: 08211/0200237-US0/P05501

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Fax Cover Sheet (1 page)

Amendment Transmittal (1 page)

Response to Restriction Requirement (2 pages)

OCT 05 2005

AMENDMENT TRANSMITTAL LETTER				Docket No. 08211/0200237-US0/P05501	
Application No. 10/643,457-Conf. #4123		Filing Date August 19, 2003		Examiner J. P. Leubecker	
				Art Unit 3739	
Applicant(s): Brian L. Halla et al.					
Invention: SENSOR CONFIGURATION FOR A CAPSULE ENDOSCOPE					
TO THE COMMISSIONER FOR PATENTS					
Transmitted herewith is an amendment in the above-identified application.					
The fee has been calculated and is transmitted as shown below.					
CLAIMS AS AMENDED					
	Claims Remaining After Amendment	Highest Number Previously Paid	Number Extra Claims Present	Rate	
Total Claims	25	- 25 =		x	
Independent Claims	3	- 3 =		x	
Multiple Dependent Claims (check if applicable) <input type="checkbox"/>					
Other fee (please specify):					
TOTAL ADDITIONAL FEE FOR THIS AMENDMENT:					0.00
<input checked="" type="checkbox"/> Large Entity <input type="checkbox"/> Small Entity					
<input checked="" type="checkbox"/> No additional fee is required for this amendment.					
<input type="checkbox"/> Please charge Deposit Account No. _____ in the amount of \$ _____. A duplicate copy of this sheet is enclosed.					
<input type="checkbox"/> A check in the amount of \$ _____ to cover the filing fee is enclosed.					
<input type="checkbox"/> Payment by credit card. Form PTO-2038 is attached.					
<input checked="" type="checkbox"/> The Director is hereby authorized to charge and credit Deposit Account No. <u>04-0100</u> as described below. A duplicate copy of this sheet is enclosed.					
<input checked="" type="checkbox"/> Credit any overpayment.					
<input checked="" type="checkbox"/> Charge any additional filing or application processing fees required under 37 CFR 1.16 and 1.17.					
_____ John M. Branch Attorney Reg. No.: 41,633 DARBY & DARBY P.C. P.O. Box 5257 New York, New York 10150-5257 (206) 262-8900				Dated: <u>October 5, 2005</u>	

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OCT 05 2005

Docket No.: 08211/0200237-US0 /P05501
(PATENT)

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

**In re Patent Application of:
Brian L. Halla et al.**

Application No.: 10/643,457

Confirmation No.: 4123

Filed: August 19, 2003

Art Unit: 3739

For: SENSOR CONFIGURATION FOR A CAPSULE ENDOSCOPE

Examiner: J. P. Leubecker

RESPONSE TO RESTRICTION REQUIREMENT

MS Amendment
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

Dear Sir:

In response to the restriction requirement set forth in the Office Action mailed September 30, 2005 (Paper No. 09272005), applicant hereby provisionally elects Claims 1-11, and 19-25 for continued examination, with traverse.

The Examiner has required restriction between two groups as follows:

- I. Claims 1-11 and 19-25, drawn to a capsule endoscope, classified in class 600, subclass 109.
- II. Claims 12-18, drawn to a method for forming a capsule endoscope, classified in class 438, subclass 459.

A Restriction may be required if two or more independent and distinct inventions are claimed in a single application (37 CFR 1.142(a)). However, in the present application, although

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the claimed subject matter may be classifiable in different classes, the inventions are not independent. Furthermore, the provisional election of Group I, which includes Claims 1 - 11 and 19-25, is not an admission of two independent inventions claimed in the present application. Rather, this provisional election with traverse has been made in the interest of expediting the allowance of at least the elected claims.

If the Examiner is aware of another method to make the product as claimed, using a process which is materially different from that set forth in the restricted claims, applicant respectfully requests the Examiner to substantiate his position in greater detail. Otherwise, it is respectfully requested that the restriction requirement be withdrawn, and that each of claims 1-25 presently pending in this application be examined.

Dated: October 5, 2005

Respectfully submitted,

By 

John V. Branch

Registration No.: 41,633

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